



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: ECS Composites, Inc.

File: B-235849.2

Date: January 3, 1990

DIGEST

The seventh highest bidder is not an interested party to protest the timeliness of another bid because it would not be in line for award even if its protest were upheld.

DECISION

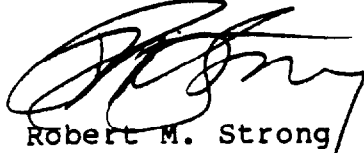
ECS Composites, Inc., protests the award to Kirchan Industries by the U.S. Marine Corp under invitation for bids (IFB) No. M67854-89-B-0017. This solicitation is for copier carrying cases which are designed to be used in hostile environments.

We dismiss this protest on the basis that ECS is not an interested party under our Bid Protest Regulations. ECS reports that it was advised when bids were opened on July 11, 1989, that Oarmar Case Co. was the apparent low bidder. ECS states that it was later advised that Oarmar was displaced as the apparent low bidder by Kirchan. On December 4, 1989, ECS filed this protest in which it alleges essentially that Kirchan's bid was untimely received by the DLA. The protest is based solely upon a bid abstract, which the protester received from the agency on November 27, 1989.

A protester must qualify as an interested party before its protest may be considered by our Office. 4 C.F.R. § 21.1(a) (1989). That is, a protester must have a direct economic interest which would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). ECS has provided us with a photocopy of the bid abstract, which reveals it is the seventh highest out of eight bidders. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. Prison Match, Inc., B-233186, Jan. 4, 1989, 89-1 CPD ¶ 8. Since there has been no challenge to the responsiveness or responsibility of the intervening bidders who would precede the protester in eligibility for any award under this solicitation, ECS lacks the direct economic

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interest required by our regulations to maintain a protest.
Thus, ECS is not an interested party for the purposes of the
instant bid protest.

A handwritten signature in black ink, appearing to read 'R. Strong', is positioned above the printed name.

Robert M. Strong
Associate General Counsel